

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

Candace Blackmon,)	Civil Action No.: 3:19-cv-01683-JMC
)	
Plaintiff,)	
v.)	
)	ORDER
PruittHealth, Inc. and PruittHealth-)	
Carolina Gardens, LLC,)	
)	
Defendants.)	
)	

Plaintiff Candace Blackmon filed this action against her former employers, Defendants PruittHealth, Inc. and PruittHealth-Carolina Gardens, LLC (together “Defendants”), alleging that she was subjected to discrimination and retaliation because of her race and sex in violation of Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 U.S.C. §§ 2000e-2000e-17; South Carolina Human Affairs Law (“SCHAL”), S.C. Code Ann. §§ 1-13-10 to -110 (2019); and 42 U.S.C. § 1981. (ECF No. 1 at 4 ¶ 15–7 ¶ 30.)

This matter is before the court on Defendants’ Motion to Dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. (ECF No. 7.) In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2)(g) D.S.C., the matter was referred to the United States Magistrate Judge for pretrial handling. On September 16, 2019, the Magistrate Judge issued a Report and Recommendation in which she recommended that the court grant Defendants’ Motion to Dismiss as to the SCHAL claim and a portion of the § 1981 claim, but deny the Motion as to all other claims. (ECF No. 11 at 25.) Defendants filed objections to the Magistrate Judge’s Report and Recommendation “request[ing] that the [c]ourt decline to adopt the Magistrate Judge’s R&R . . . and instead grant Defendants’ Motion to Dismiss in its entirety and dismiss Plaintiff’s Complaint with prejudice.” (ECF No. 12 at 33.) In response to Defendants’ objections to the Report and

Recommendation, Plaintiff filed a Motion for Leave to Amend the Complaint (ECF No. 13) and a proposed Amended Complaint (ECF No. 13-1), “to cure the defect [in the Complaint] that Defendant[s] claimed still existed” in their objections. (ECF No. 17 at 1–2.) Defendants opposed Plaintiff’s Motion to Amend asserting that the “proposed amended complaint is prejudicial [] in bad faith” and “is futile.” (ECF No. 16 at 1.)

Under Rule 15(a)(2) of the Federal Rules of Civil Procedure, “[a] party may amend its pleading only with the opposing party’s written consent or the court’s leave [and] [t]he court should freely give leave when justice so requires.” Fed. R. Civ. P. 15(a)(2). “In the absence of any apparent or declared reason—such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of the allowance of the amendment, etc.—the leave sought should, as the rules require, be ‘freely given.’” *Foman v. Davis*, 371 U.S. 178, 182 (1968). The ability to grant or deny a party the chance to amend is in the discretion of the court. *See id.* (citing Fed. R. Civ. P. 15(a)).

Upon its review, the court does not perceive any bad faith, dilatory motive, prejudice to Defendants, or futility of Plaintiff’s claims. Therefore, the court **GRANTS** Plaintiff’s Motion to Amend (ECF No. 13) and instructs Plaintiff to file the Amended Complaint by Thursday, March 26, 2020. Because an amended complaint supersedes the original complaint rendering “any attack upon it moot,” the issues concerning Plaintiff’s Complaint are now moot. *McCoy v. City of Columbia*, C/A No. 3:10-132-JFA-JRM, 2010 WL 3447476, at *2 (D.S.C. Aug. 31, 2010) (quoting *Young v. City of Mount Rainer*, 238 F.3d 567, 572 (4th Cir. 2001) (“As a general rule, an amended pleading ordinarily supersedes the original and renders it of no legal effect.” (citations omitted))).

Therefore, for the reasons set forth above, the court **REJECTS** the Magistrate Judge’s

Report and Recommendation (ECF No. 11) as moot because the Report and Recommendation pertained to the original Complaint. In this regard, Defendants' Motion to Dismiss (ECF No. 7) is also **DENIED AS MOOT**. The court **RECOMMITS** the case to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

March 19, 2020
Columbia, South Carolina